

CHAPTER 177
PROPERTY MAINTENANCE

ARTICLE I
GENERAL

§177-1 Title. These regulations shall be known as the Property Maintenance Code of the City of Watertown, hereinafter referred to as "this code."

§177-2 Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, sanitation, protection from the elements, safety from other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants for their properties; and for administration, enforcement and penalties.

§177-3 Intent. This code shall be construed to secure its expressed intent, which is to eliminate blight, to promote maintenance of property, and to thereby ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

§177-4 Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

ARTICLE II APPLICABILITY

§177-5 General. The provisions of this code shall apply to all matters affecting or relating to structures and premises except as to those matters governed by the provisions of the New York State Fire Prevention and Building Code, as the same shall be amended from time to time. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

§177-6 No Private Cause of Action. Nothing in this code shall be deemed to create a private cause of action in favor of one party against another.

§177-7 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be made or accomplished in accordance with the procedures and provisions of the New York State Fire Prevention and Building Code, as the same shall be amended from time to time. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the New York State Fire Prevention and Building

Code.

§177-8 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, or unsafe as authorized by the *New York General City Law*, as amended.

§177-9 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

§177-10 Requirements not covered by code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the authority having jurisdiction thereof.

ARTICLE III CODE ENFORCEMENT SUPERVISOR

§177-11 General. Property maintenance inspection as required by this Code shall be the responsibility of the City of Watertown Code Enforcement Supervisor and such other persons as shall be designated by the City Manager.

§177-12 Restriction of employees. No official or employee connected with the enforcement of this code shall be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building within the City, or the preparation of construction documents therefor, unless that person is the owner of the building.

§177-13 Liability. Neither the Code Enforcement Officer nor any of his or her deputies, while acting for the City, shall thereby be rendered liable personally, and each is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of this code shall be defended by the City as permitted by New York Public Officers Law §18, as amended.

§177-14 Duties and Powers. The Code Enforcement Supervisor and his or her deputies shall enforce the provisions of this code.

§177-15 Inspections. The Code Enforcement Supervisor and his or her deputies ("Code Personnel") shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Enforcement Supervisor is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the City Manager.

§177-16 Right of entry. Code Personnel are authorized to enter a structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Personnel are authorized to pursue an inspection as provided by law.

§177-17 Identification. All Code Personnel shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

§177-18 Notices and orders. Code Personnel shall issue all necessary notices or orders to ensure compliance with this code.

§177-19 Coordination of inspections. Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one official of the City is involved, it shall be the duty of the Code Enforcement Supervisor to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any City agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the City official having jurisdiction.

ARTICLE IV MODIFICATIONS OF REQUIREMENTS

§177-20 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the City Engineer shall have the authority to grant modifications for individual cases, provided the City Engineer shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of any action granting modifications shall be recorded and entered in the City Engineering department files.

ARTICLE V
VIOLATIONS

§177-21 Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

§177-22 Notice of violation. The Code Enforcement Supervisor shall serve a notice of violation or order in accordance with Article VI of this code.

§177-23 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Article VI of this Code shall be deemed guilty of a violation of this code and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Enforcement Supervisor shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

§177-24 Violation penalties. In addition to any injunctive relief which may be sought, any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be fined on the first offense of a

violation of this code, a fine of \$50.00. Each day that a violation continues after due notice has been served shall be deemed a separate offense subject to a daily fine of \$50.00 per day. Any person who is found to have committed a separate offense after having been found to commit an earlier offense within any two (2) year period shall be assessed a fine of \$100.00 per offense. The purpose of this provision is to double the fines assessed against those persons.

§177-25 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the City from instituting appropriate action to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of a building, structure or premises.

ARTICLE VI NOTICES AND ORDERS

§177-26 Notice to owner or to person or persons responsible.

Whenever the Code Enforcement Supervisor determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Sections 177-27 and 177-28.

§177-27 Form. Such notice prescribed in Section 177-26 shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the violation or violations and why the notice is being issued;
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code; and
5. Include a notice containing the right to appeal the code Enforcement Supervisor's determination to the City Engineer in accordance with Article VII of this code.

§177-28 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

ARTICLE VII APPEALS

§177-29 Appeal to City Engineer. Any person aggrieved by a determination of the Code Enforcement Supervisor to the effect that a Notice of Violation or Order served in accordance with Article VI is in error, or should, due to hardship, be modified or entitled to a variance from enforcement, or that a reasonable extension of time for the compliance should be granted upon the grounds of a

demonstrated case of hardship and evidence of an actual undertaking to correct the violation, together with a bonafide intent to comply within a reasonable time period, may appeal to the City Engineer for recission of the Notice or Order, or for a modification, variance, or extension of time for compliance.

§177-30 Procedure and hearing. A request for recission, modification, variance, or extension of time shall be made in writing, to the City Engineer, within ten (10) days of the Appellant=s receipt of a copy of the Notice or Order. The City Engineer shall schedule a hearing within thirty (30) days of his receipt of the request, and shall file his decision with the Code Enforcement Supervisor within forty-five (45) days after the hearing. The City Engineer may reverse or affirm in whole or in part, or may modify the Order, Notice, requirement, decision or determination appealed from, and may make such Order, requirement, decision or determination as justice would require.

§177-31 Tolling of compliance times. Pending the City Engineer=s determination on the appeal, all timelines for compliance with notices and orders issued under Article VI shall be tolled. If a Notice or Order is affirmed or modified, the City Engineer shall, in the determination on appeal, establish a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

**ARTICLE VIII
UNSAFE STRUCTURES**

§177-32 General. Unsafe structures shall be dealt with as provided at Chapter 104 of the Watertown City Code.

§177-33 Imminent danger. When, in the opinion of the Code Enforcement Supervisor, there is imminent danger of failure or collapse of a building or structure which endangers life or other property, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Enforcement Supervisor is hereby authorized and empowered to order and require the occupants to vacate the premises. The Code Enforcement Supervisor shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the City of Watertown." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**ARTICLE IX
DEFINITIONS**

§177-34 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

§177-35 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neutral; the singular number includes the plural and the plural, the singular.

§177-36 Terms defined in other codes. Where terms are not defined in this code and are defined in the New York State Fire Protection and Building Code, NFPA, *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code*, ASME A 17.1 or the ICC *Electrical Code*, such terms shall have the meanings ascribed to them as in those codes.

§177-37 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

§177-38 Parts. Whenever the words "dwelling unit," "dwelling,"

"premises," "building," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

§177-39 General Definitions. For purposes of this Chapter, the following definitions shall apply:

APPROVED. Approved by the Code Enforcement Supervisor.

BASEMENT. That portion of a building which is partly or completely below grade.

CODE ENFORCEMENT SUPERVISOR. The official who is charged with the administration and enforcement of this code, or any of his or her duly authorized representatives.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the office of the Jefferson County Clerk holding title to the

property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land including any structures thereon, whether residential or commercial.

RODENT. Any of various mammals, as a mouse, rat, or squirrel, having teeth adapted for gnawing.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

VACANT STRUCTURE. A structure which is not occupied and devoid of any indicia of occupancy.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

ARTICLE X GENERAL REQUIREMENTS

'177-40 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for

maintenance of structures, equipment and exterior property.

'177-41 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner/occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

'177-42 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

ARTICLE XI EXTERIOR PROPERTY AREAS

'177-43 Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner or occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

'177-44 Sidewalks and driveways. All private sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. This section is not intended to create a cause of action in favor of any third party.

'177-45 Weeds or grass. All premises shall be maintained free of weeds, grass, and rank vegetation in accordance with Chapter 98 of the City Code.

'177-46 Trees and shrubs. All trees and shrubs on the premises shall be kept properly trimmed and maintained such that they do not present a public nuisance.

'177-47 Rodent harborage. All exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

'177-48 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained

structurally sound and in good repair as outlined at Article XII of this code.

'177-49 Fences. The height, size, and style of fencing permitted is set forth at Chapter 310 of the City Code.

'177-50 Burned structures. Any burned structure which has not been found to be an unsafe structure under Chapter 104 of the City Code shall, within one (1) month of the fire, have each window affected by the fire covered with a single sheet of plywood, minimum thickness of 7/16" fitted within the window frame, and painted flat black or other color approved by the Code Enforcement Supervisor. A minimum 2" width vent shall be provided at the top of each window opening. The vent must prohibit entry by birds, bats or other animals. All other exterior portions of the structure must be brought into compliance with this code within six (6) months of the fire.

'177-51 Boarded windows. Each boarded window of any structure in the City must be covered with a single sheet of plywood, minimum thickness of 7/16" fitted within the window frame, and painted flat black or other color approved by the Code Enforcement Supervisor. A minimum 2" width vent shall be provided at the top of each window opening. The vent must prohibit entry by birds, bats, or other

animals.

'177-52 Motor Vehicles. All motor vehicles shall be stored or kept as required by Chapter 169 of the City Code.

'177-53 Repair of defaced property. It will be the responsibility of the owner to restore defaced property to eliminate signs of graffiti, markings or carvings.

ARTICLE XII EXTERIOR STRUCTURE

'177-54 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

'177-55 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall

be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion. Oxidation stains shall be removed.

'177-56 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

'177-57 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

'177-58 Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

'177-59 Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire

escapes, stand pipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

'177-60 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

'177-61 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

'177-62 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

'177-63 Window, skylight and door frames. Every window, skylight

door and frame shall be kept in sound condition and in good repair.

'177-64 Glass. All glass and plexiglass materials shall be maintained free from cracks and holes if such cracks and holes pose a safety risk.

'177-65 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

'177-66 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

'177-67 Basement hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

ARTICLE XIII RUBBISH AND GARBAGE

'177-68 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free

from any accumulation of rubbish or garbage.

'177-69 Disposal of rubbish. Rubbish shall be disposed of as required by Chapter 161 of the City Code.

ARTICLE XIV EXTERMINATION

'177-70 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

'177-71 Owner. The owner of any structure shall be responsible for extermination within the structure.

'177-72 Single occupant. The occupant of a one family dwelling or of a single tenant nonresidential structure shall also be responsible for extermination on the premises.

'177-73 Multiple occupancy. The owner of a structure containing

two or more dwelling units, a multiple occupancy, or a nonresidential structure shall be responsible for extermination in all areas of the structure and exterior property.